

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NEW ENGLAND INDUSTRIAL
SALES, LLC,

Plaintiffs,

Case No. 18-cv-11052
Hon. Matthew F. Leitman

v.

STAR SU, LLC, *et al.*,

Defendants.

**ORDER GRANTING DEFENDANT STAR CUTTER COMPANY'S
MOTION TO DISMISS (ECF #16) AND GRANTING IN PART AND
DENYING IN PART DEFENDANTS STAR SU, LLC and STAR SU
COMPANY, LLC'S MOTION TO DISMISS (ECF #15)**

On January 22, 2019, the Court held a hearing on Defendant Star Cutter Company's motion to dismiss (ECF#16) and Defendants Star SU, LLC and Star SU Company, LLC's motion to dismiss (ECF #15). For the reasons stated on the record,

IT IS HEREBY ORDERED THAT:

- Defendant Star Cutter Company's motion to dismiss (ECF #16) is **GRANTED**, and all claims against this Defendant in the First Amended Complaint are dismissed with prejudice.
- Defendants Star SU, LLC and Star SU Company, LLC's motion to dismiss (ECF #15) is **GRANTED** with respect to the following claims in the First Amended Complaint: Count II (seeking exemplary damages, attorney fees,

and costs under the Illinois Sales Representative Act), Count III (unjust enrichment), and Count V (accounting). These three claims against Defendants Star SU, LLC and Star SU Company, LLC are dismissed with prejudice.

- Defendants Star SU, LLC and Star SU Company, LLC's motion to dismiss (ECF #15) is **DENIED** with respect to the following claims in the First Amended Complaint: Count I (breach of contract) and Count IV (declaratory judgment). Those claims remain pending against Defendants Star SU, LLC and Star SU Company, LLC.
- Plaintiffs shall not be permitted to amend the First Amended Complaint because they declined to amend when given the opportunity by the Court to do so during the September 28, 2018, telephonic status conference.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 22, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 22, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764